

**1.4(5) *Licensure by comity.*** Any person who has been licensed as a professional engineer in a foreign jurisdiction may be considered for licensure in Iowa without the need for further examination if the original license based on approved examination is in active status. Applications for licensure by comity will be evaluated on the following basis:

*a.* The applicant's foreign licensure must have been granted only after satisfaction of requirements equal to or more stringent than those which would be required by Iowa Code section 542B.14, if the applicant's original licensure was sought in Iowa; and

*b.* The applicant's present record of education, references, practical experience, and successful completion of approved examinations currently satisfies the substantive requirements of Iowa Code section 542B.14.

*c.* A comity applicant for licensure in land surveying shall comply with subrule 1.4(5), paragraphs "a" and "b," above; be interviewed by the land surveyor member(s) of the board; complete successfully the Iowa State Specific Examination; and complete successfully other examinations as determined by the board.

*d.* In lieu of the detailed personal history requested on an application for licensing, an applicant for licensure by comity may submit educational and professional records as verified by that person's NCEES Council Record.

*e.* A temporary permit to practice engineering in the state may be granted to a comity applicant upon approval of a professional engineer member of the board. The temporary permit shall expire at the next regularly scheduled meeting of the board. Temporary permits shall be granted only to applicants who meet all requirements and who are expected to qualify for approval by the full board at the next meeting.

*f.* If a comity applicant did not have the required four years of experience before writing the professional examination, the board may approve the application for licensure if the applicant satisfies all other conditions of licensure, the applicant has not been disciplined in any other jurisdiction, and the applicant has had at least five years of practical engineering experience of a character satisfactory to the board since initial licensure.

**1.4(6) *Fees.*** Fees for examination and licensing are fixed in such an amount as will defray the expense of administering board responsibilities. A copy of the current fee schedule can be obtained from the board's office.

This rule is intended to implement Iowa Code sections 542B.2, 542B.13, 542B.14 and 542B.15.

**193C—1.5(542B) *Cutoff dates for applications to take examinations.*** Applicants who desire to take a Fundamentals Examination, the Professional Engineering Examination or the Professional Land Surveying Examination given by the board must complete and deliver their application to the secretary of the board on or before February 1 of each year in order to take the examination given in the spring of the year. In order to take an examination in the fall of the year, applications must be completed and delivered to the secretary on or before August 1 of each year. The board may, in its discretion in cases of extreme hardship, allow exception to this rule.

**193C—1.6(542B) *Nonrefundability of fees.*** Application fees submitted with applications for the privilege of taking a Fundamentals Examination, the Professional Engineering Examination or the Professional Land Surveying Examination will not be refundable for any reason. Fees paid with applications for comity licensure or for renewal of licensure will not be refundable for any reason.

**193C—1.7(542B) *Renewal of certificates of licensure.*** Certificates of licensure shall be renewed on a biennial basis.

This rule is intended to implement Iowa Code sections 542B.6, 272C.2 and 272C.3.

**193C—1.8(252J) Certificates of noncompliance.** The board shall deny the issuance or renewal of a certificate of licensure upon the receipt of a certificate of noncompliance from the child support recovery unit of the department of human services according to the procedures in Iowa Code chapter 252J. In addition to the procedures set forth in chapter 252J, this rule shall apply.

**1.8(1)** The notice required by Iowa Code section 252J.8 shall be served upon the licensee or applicant by restricted certified mail, return receipt requested, or personal service in accordance with Rules of Civil Procedure 56.1. Alternatively, the licensee or applicant may accept service personally or through authorized counsel.

**1.8(2)** The effective date of the denial of the issuance or renewal of a certificate of licensure, as specified in the notice required by section 252J.8, shall be 60 days following service of the notice upon the licensee or applicant.

**1.8(3)** The board's executive secretary is authorized to prepare and serve the notice required by section 252J.8 upon the licensee or applicant.

**1.8(4)** Licensees and applicants shall keep the board informed of all court actions and all child support recovery unit actions taken under or in connection with chapter 252J and shall provide the board copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

**1.8(5)** All board fees for applications, license renewal or reinstatement must be paid by licensees or applicants before a certificate of licensure will be issued, renewed or reinstated after the board has denied the issuance or renewal of a license pursuant to chapter 252J.

**1.8(6)** In the event a licensee or applicant files a timely district court action following service of a board notice pursuant to sections 252J.8 and 252J.9, the board shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the board to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a certificate of licensure, the board shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

**1.8(7)** The board shall notify the licensee or applicant in writing through regular first-class mail, or such other means as the board deems appropriate in the circumstances, within ten days of the effective date of the denial of the issuance or renewal of a certificate of licensure, and shall similarly notify the licensee or applicant when the certificate of licensure is issued or renewed following the board's receipt of a withdrawal of the certificate of noncompliance.

This rule is intended to implement Iowa Code chapter 252J.

**193C—1.9(542B) Board fees and service charges.**

**1.9(1) Biennial licensure renewal fees.**

1. Active licensure renewal ..... \$60
2. Inactive licensure renewal ..... \$30
3. New licensee licensure fee—same as above; licensure will be prorated at six-month intervals.

**1.9(2) Application fees.**

1. Fundamentals of engineering, including certificate ..... \$25
2. Fundamentals of land surveying, including certificate ..... \$25
3. Principles and practice of engineering (PE) ..... \$35
4. Principles and practice of land surveying (LS) ..... \$35

**1.9(3) Examination fees.**

1. The examination fee for a regularly scheduled examination administered by the examination service will be paid directly to the examination service at the rate established by the contract between the board and the examination service.
2. Examination fees for specially scheduled examinations administered at the board's office will be paid to the state of Iowa.

- 3. Examination fee for comity applicants wishing to retake the two-hour Iowa “State Specific” Land Surveying examination due to failure of passing the first such examination is \$15.
- 4. Examination fee for applicants wishing to retake the two-hour Iowa “State Specific” Land Surveying examination who have passed the NCEES portion of the examination but failed the two-hour “State Specific” Land Surveying portion is \$15.

**1.9(4) Comity application fees.**

- 1. Licensure as a professional engineer ..... \$100
- 2. Licensure as a land surveyor (including the two-hour Iowa examination) ..... \$100

**1.9(5) Certificate charges.**

- 1. Professional engineer or land surveyor certificate ..... \$10
- 2. Second copy of certificate ..... \$20

**1.9(6) Annual report of board.** Rescinded IAB 12/16/98, effective 1/20/99.

**1.9(7) Other service charges.**

- 1. Check returned for insufficient funds ..... \$10
- 2. Reinstatement of licensure—\$10 per year for each lapsed year (maximum fee of \$50) plus licensure fee for the remainder of biennium prorated at one-year intervals.
- 3. Verification of licensure for comity application to another state or territory if Iowa licensure has lapsed ..... \$10
- 4. Rescoring of examination ..... \$25 per examination item, plus any NCEES fee

This rule is intended to implement Iowa Code sections 542B.13, 542B.15, 542B.20 and 542B.30.

**193C—1.10(542B) Civil penalties against nonlicensees.** The board may impose civil penalties by order against a person who is not licensed as an engineer or land surveyor pursuant to Iowa Code chapter 542B based on the unlawful practices specified in Iowa Code section 542B.27(1) “a.” In addition to the procedures set forth in Iowa Code section 542B.27, this rule shall apply.

**1.10(1)** The notice of the board’s intent to impose a civil penalty required by Iowa Code section 542B.27(1) “a” shall be served upon the nonlicensee by restricted certified mail, return receipt requested, or personal service in accordance with Rules of Civil Procedure 56.1. Alternatively, the nonlicensee may accept service personally or through authorized counsel. The notice shall include the following:

- a. A statement of the legal authority and jurisdiction under which the proposed civil penalty would be imposed.
- b. A reference to the particular sections of the statutes and rules involved.
- c. A short and plain statement of the alleged unlawful practices.
- d. The dollar amount of the proposed civil penalty.
- e. Notice of the nonlicensee’s right to a hearing and the time frame in which hearing must be requested.
- f. The address to which written request for hearing must be made.

**1.10(2)** Nonlicensees must request hearing within 30 days of the date the notice is mailed, if served through restricted certified mail to the last-known address, or within 30 days of the date of service, if service is accepted or made in accordance with Rules of Civil Procedure 56.1. A request for hearing must be in writing and is deemed made on the date of the United States Postal Service postmark or the date of personal service.

**1.10(3)** If a request for hearing is not timely made, the board chair or the chair's designee may issue an order imposing the civil penalty described in the notice. The order may be mailed by regular first-class mail or served in the same manner as the notice of intent to impose civil penalty.

**1.10(4)** If a request for hearing is timely made, the board shall issue a notice of hearing and conduct a hearing in the same manner as applicable to disciplinary cases against licensed engineers or land surveyors.

**1.10(5)** In addition to the factors set forth in Iowa Code section 542B.27(1)“a,” the board may consider the following when determining the amount of civil penalty to impose, if any:

- a. The time elapsed since the unlawful practice occurred.
- b. Evidence of reform or remedial actions.
- c. Whether the violation is a repeat offense following a prior warning letter or other notice of the nature of the infraction.
- d. Whether the violation involved an element of deception.
- e. Whether the unlawful practice violated a prior order of the board, a court order, cease and desist agreement, consent order, or similar document.
- f. The clarity of the issue involved.
- g. Whether the violation was willful and intentional.
- h. Whether the nonlicensee acted in bad faith.
- i. The extent to which the nonlicensee cooperated with the board.

**1.10(6)** A nonlicensee may waive right to hearing and all attendant rights and enter into a consent order imposing a civil penalty at any stage of the proceeding upon mutual consent of the board.

**1.10(7)** The notice of intent to impose civil penalty and order imposing civil penalty are public records available for inspection and copying in accordance with Iowa Code chapter 22. Copies may be provided to the media, the National Council of Examiners for Engineering and Surveying, and other entities. Hearings shall be open to the public.

**193C—1.11(542B) Hearing on license denial.** If the board, upon receipt of a complete and proper application for initial license or licensure by comity, accompanied by the proper fee, shall deny licensure to the applicant, the executive secretary shall send written notice to the applicant by regular first-class mail identifying the basis for license denial.

**1.11(1)** An applicant who is aggrieved by the denial of a license and desires to challenge the board's decision must request a hearing before the board within 30 days of the date the notice of license denial is mailed. A request for hearing must be in writing and is deemed made on the date of the United States Postal Service postmark or the date of personal service. The request for hearing shall specify the grounds under which the applicant contends the board erred in denying licensure. If a request for hearing is timely made, the board shall issue a notice of hearing and conduct a contested case hearing.

**1.11(2)** Hearings on license denial shall be open to the public. The burden of presenting evidence and information or documents to support the applicant's position shall be the responsibility of the applicant.

**1.11(3)** The board, after a hearing on license denial, may grant or deny the application for licensure. If denied, the board shall state the reasons for denial of the license and may state conditions under which the application for licensure could be granted, if applicable.

**1.11(4)** The notice of license denial, request for hearing, notice of hearing, and order are open records available for inspection and copying in accordance with Iowa Code chapter 22. Copies may be provided to the media, the National Council of Examiners for Engineering and Surveying (NCEES), and other persons or entities.

**1.11(5)** Judicial review of a final order denying licensure may be sought in accordance with the provisions of Iowa code section 17A.19 which are applicable to judicial review of any agency's final decision in a contested case.

**193C—1.12 to 1.29** Reserved.

**193C—1.30(542B) Seal and certificate of responsibility.**

**1.30(1)** Each licensee shall procure a seal with which to identify all engineering and land surveying documents issued by the licensee for use in Iowa as provided in Iowa Code section 542B.16.

**1.30(2)** Description of seal. The seal shall include the name of the licensee and the words "Professional Engineer" or "Land Surveyor" or "Professional Engineer and Land Surveyor." The Iowa license number and the word "Iowa" shall be included. The seal shall substantially conform to the samples shown below:



**1.30(3)** A legible rubber stamp or other facsimile of the seal may be used.

**1.30(4)** Each engineering or land surveying document submitted to a client or any public agency, hereinafter referred to as the official copy (or official copies), shall contain an information block on its first page or on an attached cover sheet for application of a seal by the licensee in responsible charge and an information block for application of a seal by each professional consultant contributing to the submission. The seal and original signature shall be applied only to a final submission. Each official copy (or official copies) of a submission shall be stapled, bound or otherwise attached together so as to clearly establish the complete extent of the submission. Each certification block shall display the seal of the licensee and shall designate the portion of the submission for which that licensee is responsible, so that responsibility for the entire submission is clearly established by the combination of the stated seal responsibilities. The engineering certification shall conform to the wording in the sample shown below:

SEAL	I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.
	(signature) _____ (date) _____
	Printed or typed name _____
	My license renewal date is December 31, _____. Pages or sheets covered by this seal: _____ _____ _____

The land surveying certification block will substantially conform to the sample shown below:

SEAL	I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
	(signature) _____ (date) _____
	Printed or typed name _____
	License number _____ My license renewal date is December 31, _____. Pages or sheets covered by this seal: _____ _____ _____

**1.30(5)** The information requested in each certification block must be typed or legibly printed in permanent ink except the signature which shall be an original signature in contrasting ink color on each official copy. The seal implies responsibility for the entire submission unless the area of responsibility is clearly identified in the information accompanying the seal.

**1.30(6)** It shall be the responsibility of the licensee to forward copies of all revisions to the submission, which shall become a part of the official copy of the submission. Such revisions shall be identified as applicable on a certification block or blocks with professional seals applied so as to clearly establish professional responsibility for the revisions.

**1.30(7)** The licensee is responsible for the custody and proper use of the seal. Improper use of the seal shall be grounds for disciplinary action.

**1.30(8)** Computer-generated seals may be used on final original drawings provided that a hand-written signature is placed adjacent to the seal and the date is written next to the signature on the official copy or copies. Computer-generated signatures and dates are not acceptable.

This rule is intended to implement Iowa Code section 542B.16.

[Filed 3/16/53; amended 1/19/54, 10/18/54, 6/15/56, 3/30/59,  
3/8/61, 6/14/61, 3/14/62, 5/8/69]

[Filed 12/16/75, Notice 11/3/75—published 1/12/76, effective 2/16/76]

[Filed 3/18/76, Notice 11/3/75—published 4/5/76, effective 5/10/76]

[Filed 4/1/77, Notice 12/29/76—published 4/20/77, effective 5/25/77]

[Filed 5/23/78, Notice 3/22/78—published 6/14/78, effective 8/1/78]

[Filed 7/26/78, Notice 5/3/78—published 8/23/78, effective 9/27/78]

[Filed emergency 10/3/78 after Notice 8/9/78—published 10/18/78, effective 10/3/78]

[Filed 1/4/79, Notice 10/18/78—published 1/24/79, effective 2/28/79]

[Filed 7/7/80, Notice 12/12/79—published 7/23/80, effective 8/27/80]

[Filed 8/12/81, Notice 4/29/81—published 9/2/81, effective 10/7/81]

[Filed 9/25/81, Notice 7/22/81—published 10/14/81, effective 11/18/81]

[Filed 8/11/83, Notice 5/25/83—published 8/31/83, effective 10/5/83]

[Filed 12/21/84, Notice 7/18/84—published 1/16/85, effective 2/20/85]

[Filed 3/8/85, Notice 1/16/85—published 3/27/85, effective 5/1/85]

[Filed 7/25/85, Notice 5/22/85—published 8/14/85, effective 9/18/85]

[Filed 9/5/85, Notice 7/31/85—published 9/25/85, effective 10/30/85]

[Filed 5/13/88, Notice 3/9/88—published 6/1/88, effective 7/6/88]

[Filed 5/13/88, Notice 4/6/88—published 6/1/88, effective 7/6/88]

[Filed 3/15/89, Notice 12/28/88—published 4/5/89, effective 5/10/89]

[Filed 6/6/89, Notice 4/5/89—published 6/28/89, effective 8/2/89]

[Filed 11/4/91, Notice 8/21/91—published 11/27/91, effective 1/1/92]

[Filed 7/29/92, Notice 5/13/92—published 8/19/92, effective 9/23/92]

[Filed 7/30/93, Notice 5/26/93—published 8/18/93, effective 9/22/93]

[Filed 11/4/94, Notice 6/22/94—published 11/23/94, effective 12/28/94]

[Filed 3/22/95, Notice 1/18/95—published 4/12/95, effective 5/17/95]

[Filed 1/26/96, Notice 11/22/95—published 2/14/96, effective 3/20/96\*]

[Filed 5/2/96, Notice 1/3/96—published 5/22/96, effective 6/26/96]

[Filed 7/24/96, Notice 6/5/96—published 8/14/96, effective 9/18/96]

[Filed 10/18/96, Notice 8/14/96—published 11/6/96, effective 12/11/96]

\*Effective date of subrule 1.3(1) delayed 70 days by the Administrative Rules Review Committee at its meeting held March 11, 1996; delay lifted by this Committee at its meeting held May 14, 1996, effective May 15, 1996.

[Filed 3/6/97, Notice 11/20/96—published 3/26/97, effective 4/30/97]  
[Filed 3/6/97, Notice 1/1/97—published 3/26/97, effective 4/30/97]  
[Filed 7/24/97, Notice 6/4/97—published 8/13/97, effective 9/17/97]  
[Filed 9/5/97, Notice 6/18/97—published 9/24/97, effective 10/29/97]  
[Filed 11/26/97, Notice 9/24/97—published 12/17/97, effective 1/21/98]  
[Filed 2/6/98, Notice 12/3/97—published 2/25/98, effective 4/1/98]  
[Filed 3/20/98, Notice 12/17/97—published 4/8/98, effective 5/13/98]  
[Filed 3/20/98, Notice 1/28/98—published 4/8/98, effective 5/13/98]  
[Filed 5/29/98, Notice 2/25/98—published 6/17/98, effective 7/22/98]  
[Filed 8/20/98, Notice 7/15/98—published 9/9/98, effective 10/14/98]  
[Filed 10/1/98, Notice 8/12/98—published 10/21/98, effective 11/25/98]  
[Filed 11/4/98, Notice 6/17/98—published 12/2/98, effective 1/6/99]  
[Filed 11/25/98, Notice 9/9/98—published 12/16/98, effective 1/20/99]  
[Filed 4/15/99, Notice 3/10/99—published 5/5/99, effective 6/9/99]